

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010091004

ORDER DENYING MOTION FOR
RECONSIDERATION

On November 18, 2010, the undersigned administrative law judge issued an order (Order) following the Preliminary Hearing Conference (PHC) in this matter. On November 22, 2010, Student filed a motion for clarification of the Order, requesting that the statement of issues be revised and that a statement of resolutions be incorporated into the Order. OAH has received no opposition.

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

Here, Student's motion requests that the PHC Order be revised to organize and state the issues and proposed resolutions as requested by Student. The legal issues for determination at a due process hearing are driven solely by the complaint, and not by the PHC Order or the PHC statements submitted by the parties. Similarly, the relief available at hearing is not effected by whether the proposed resolutions in the complaint were repeated in the PHC Order. Revising the PHC Order is therefore unnecessary. Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: November 23, 2010

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings